

MONTANA LEGISLATIVE HISTORY

Chapter 320 1999Bill H _____ S 226 Original bill & history cH. Committee on TaxationHearing Date(s) 3-5 ☒ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Local GovHearing Date(s) 1-26 ☒ c1-29 ☒ c

_____ c

_____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

HISTORY AND FINAL STATUS 1999

SB 226 Introduced by Hertel

LC0891 Drafter: Kurtz

Clarify That a Board of County Commissioners May Levy Taxes for the Establishment and Maintenance of County Roads and Bridges Within the County;...

1/18	Introduced and 1st Reading		
1/18	Referred to Local Government		
1/26	Hearing		
1/29	Committee Executive Action--Bill Passed	8	0
1/30	Committee Report--Bill Passed		
2/02	2nd Reading Passed	46	4
2/03	3rd Reading Passed	47	2
	Transmitted to House		
2/16	Referred to Taxation		
3/05	Hearing		
3/05	Committee Executive Action--Bill Concurred	14	6
3/06	Committee Report--Bill Concurred		
4/07	2nd Reading Concurred	78	18
4/08	3rd Reading Concurred	78	21
	Returned to Senate		
4/09	Sent to Enrolling		
4/10	Returned from Enrolling		
4/12	Signed by President		
4/13	Signed by Speaker		
4/13	Transmitted to Governor		
4/16	Signed by Governor		
4/16	Chapter Number Assigned		
	Chapter Number 320		
	Effective Date: 10/01/1999 - All Sections		

SB 227 Introduced by Hertel

LC0645 Drafter: Maly

Change the Definition of a Small Telecommunications Provider;...

1/18	Introduced and 1st Reading		
1/18	Referred to Business and Industry		
1/28	Hearing		
2/02	Committee Executive Action--Bill Passed as Amended	7	0
2/02	Committee Report--Bill Passed as Amended		
2/05	2nd Reading Passed	49	0
2/06	3rd Reading Passed	48	0
	Transmitted to House		
2/16	Referred to Business and Labor		
3/09	Hearing		
3/09	Committee Executive Action--Bill Concurred	18	0
3/11	Committee Report--Bill Concurred		
3/13	2nd Reading Concurred	94	5
3/15	3rd Reading Concurred	94	6
	Returned to Senate		
3/15	Sent to Enrolling		
3/16	Returned from Enrolling		
3/17	Signed by President		
3/18	Signed by Speaker		

3/19 Tr
3/23 Sig
3/24 Ch

SB 228 Introduced

Generally R

1/18 Int
1/18 Re
1/18 Fis
1/26 He
1/27 Fis
1/27 He
1/28 Fis
1/30 Fis
Dis

SB 229 Introduced

Exempt C
Classification

1/18 Int
1/18 Re
1/18 Fis
1/25 Fis
1/27 Fis
1/28 He
2/10 Co
2/10 Co
2/11 2nd
2/12 3rd

2/16 Tra
2/16 Re
2/17 Re
2/18 Re
2/19 Re
3/10 He
3/11 Co
3/11 Co
3/29 2nd
3/31 3rd

4/07 Re
4/08 2nd
4/13 Fre
4/13 He
4/13 Fre
4/14 2nd
4/15 3rd

4/09 Ho
Fre

Senate BILL NO. 226

INTRODUCED BY

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A BOARD OF COUNTY COMMISSIONERS MAY LEVY TAXES FOR THE ESTABLISHMENT AND MAINTENANCE OF COUNTY ROADS AND BRIDGES WITHIN THE COUNTY; CLARIFYING THAT A BOARD OF COUNTY COMMISSIONERS MAY LEVY TAXES FOR ROAD AND BRIDGE ESTABLISHMENT AND MAINTENANCE IN ADJACENT COUNTIES IF A ROAD OR BRIDGE PROJECT IS SHARED AMONG COUNTIES; AND AMENDING SECTION 7-14-2101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-14-2101, MCA, is amended to read:

"7-14-2101. General powers of county relating to roads and bridges -- definitions. (1) The board of county commissioners, under ~~such~~ the limitations and restrictions ~~as that~~ are prescribed by law, may:

(a) (i) lay out, maintain, control, and manage county roads and bridges within the county;

(ii) levy taxes ~~therefor~~ for the laying out, maintenance, control, and management of the county roads and bridges within the county as provided by law;

(b) (i) in the exercise of sound discretion, jointly with other counties, lay out, maintain, control, manage, and improve county roads and bridges in adjacent counties, wholly or in ~~such~~ part as ~~may be~~ agreed upon between the boards of the counties concerned;

(ii) levy taxes ~~therefor~~ for the laying out, maintenance, control, management, and improvement of county roads and bridges shared jointly with other counties, as agreed upon between the boards of the counties concerned and as provided by law;

(c) (i) enter into agreements for adjusted annual contributions over not more than 6 years toward the cost of joint highway or bridge construction projects entered into in cooperation with other counties, the state, or the United States;

(ii) place ~~such~~ a joint project in the budget and levy taxes ~~therefor~~ for the joint project as provided by law.

(2) (a) Unless the context requires otherwise, ~~county road~~ the term "county road" means any public highway opened, established, constructed, maintained, abandoned, or discontinued by a county

1 in accordance with this chapter.

2 (b) Unless the context requires otherwise, ~~bridge~~ the term "bridge" includes rights-of-way or other
3 interest in land, abutments, superstructures, piers, and approaches except dirt fills."

4 - END -

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (S) Local Government -

05:00 PM

-
- SB 207** **SPONSOR:** Roush, Glenn **SHORT TITLE:** Allow board of county commissioners to donate tax deed land to nonprofit corps
- REFERRED ON:** 01/14/1999 **HEARD ON:** 01/19/1999
- EXECUTIVE ACTION:** 01/27/1999 Bill Passed as Amended -- VOTE: 11 - 0
- FINAL DISPOSITION** 04/06/1999 Chapter Number Assigned
-
- SB 214** **SPONSOR:** Bartlett, Sue **SHORT TITLE:** Revise laws relating to sheriff's levy and sale for collection of taxes
- REFERRED ON:** 01/15/1999 **HEARD ON:** 01/26/1999
- EXECUTIVE ACTION:** 01/29/1999 Bill Passed -- VOTE: 8 - 1
- FINAL DISPOSITION** 03/30/1999 Chapter Number Assigned
-
- SB 225** **SPONSOR:** Hertel, John **SHORT TITLE:** Let county commis.board include road construction in road improvement districts
- REFERRED ON:** 01/18/1999 **HEARD ON:** 01/26/1999
- EXECUTIVE ACTION:** 01/29/1999 Bill Passed -- VOTE: 8 - 0
- FINAL DISPOSITION** 04/16/1999 Chapter Number Assigned
-
- SB 226** **SPONSOR:** Hertel, John **SHORT TITLE:** Clarify authority for county roads
- REFERRED ON:** 01/18/1999 **HEARD ON:** 01/26/1999
- EXECUTIVE ACTION:** 01/29/1999 Bill Passed -- VOTE: 8 - 0
- FINAL DISPOSITION** 04/16/1999 Chapter Number Assigned
-
- SB 233** **SPONSOR:** Bohlinger, John **SHORT TITLE:** Provide a discretionary longevity salary adjustment for county attorneys
- REFERRED ON:** 01/19/1999 **HEARD ON:** 01/28/1999
- EXECUTIVE ACTION:** 02/04/1999 Bill Passed as Amended -- VOTE: 9 - 2
- FINAL DISPOSITION** 04/22/1999 Chapter Number Assigned
-
- SB 239** **SPONSOR:** Roush, Glenn **SHORT TITLE:** Clarify sharing of information with solid waste management district boards
- REFERRED ON:** 01/19/1999 **HEARD ON:** 01/28/1999
- EXECUTIVE ACTION:** 02/10/1999 Bill Passed as Amended -- VOTE: 10 - 0
- FINAL DISPOSITION** 04/07/1999 Chapter Number Assigned
-
- SB 264** **SPONSOR:** Ekegren, Pete **SHORT TITLE:** Revise methods of financing rural fire protection
- REFERRED ON:** 01/22/1999 **HEARD ON:** 02/02/1999
- EXECUTIVE ACTION:** 02/19/1999 Bill Passed as Amended -- VOTE: 8 - 0
- TABLED ON:** 02/10/1999
- FINAL DISPOSITION** 04/22/1999 (H) Died in Standing Committee
-

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on January 26, 1999 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandebosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 214, 1/21/1999; SB 225,
1/21/1999; SB 226, 1/21/1999

Executive Action: SB 180; SB 207

HEARING ON SB 225

Sponsor: SEN. JOHN HERTEL, SD 47, Moore

through is having enough funding to maintain roads. This is why they have the word "may" instead of "shall" so they may look at an RSID and either accept or turn it down.

SEN. GRIMES asked if an owner had a great deal of property along a road and there was a subdivision at the end of the road, is the property owner excluded even though he lives there? **Bill Kennedy** said the one area they have to look at is if it is a county or public road. He said if it is a long road there will probably not be enough people in that subdivision to create enough revenue to take that road in as a county road.

ACTING CHAIRMAN ECK asked if there is any protest provision in this bill. **Bill Kennedy** used the example in Yellowstone Co. that if there is a petition for an RSID there has to be 60 percent in favor of an RSID.

ACTING CHAIRMAN ECK asked where is this found now in the current statutes? **Mary Vandembosch** said the protest provision is 7-12-2102. **Gordon Morris** explained the statute more. He said the commissioners do have the authority to go ahead and adopt the resolution and then the protest process follows.

ACTING CHAIRMAN ECK asked about the repealers in the bill. **Gordon Morris** said what they are repealing is part 29 of the statute dealing with the Rural Improvement District. This bill is narrowing down the benefitted property relative to agriculture.

{Tape : 1; Side : A; Approx. Time Counter : 3:40 p.m.}

Closing by Sponsor:

SEN. HERTEL said this is a good opportunity for county commissioners to improve the RSID's and saves in the administrative area.

HEARING ON SB 226

Sponsor: **SEN. JOHN HERTEL, SD 47, Moore**

Proponents:

Bill Kennedy, Yellowstone Co. Commissioner
Gordon Morris, MACo

Opponents: None

Opening Statement by Sponsor:

SEN. JOHN HERTEL, SD 47, Moore, said this bill clarifies county road statutes. It puts in more clarity for the establishment and maintenance of county roads within the county. Also it helps when two counties are working together.

Proponents' Testimony:

Bill Kennedy, Yellowstone Co. Commissioner, said they levy taxes for the maintenance of roads, bridges and joint projects between counties. He said in Yellowstone County they have 15 mill levies for county roads at this time and last year they tried for 20 but were rejected by the voters.

Gordon Morris, MACo, passed out a resolution from MACo.
EXHIBIT(2)

{Tape : 1; Side : B; Approx. Time Counter : 3:47 p.m.}

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. TESTER asked how roads and bridges get taken care of now and what will this bill do that is not already being done. Gordon Morris said the levy of taxes is authorized under this particular section.

Closing by Sponsor:

SEN. HERTEL said this bill adds clarity to the levying process.

HEARING ON SB 214

Sponsor: SEN. SUE BARTLETT, SD 27, Helena

Proponents:

Wayde Cooperider, MT Sheriffs and Peace Officers Assoc.
Paulette DeHart, MT Co. Treasurer's Assoc.

Opponents: None

Opening Statement by Sponsor:

SEN. SUE BARTLETT, SD 27, Helena, said this bill addresses the collection of delinquent personal property taxes. This bill, if

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on January 28, 1999 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandenbosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 233, 1/25/1999; SB 239,
1/25/1999; SB 269, 1/25/1999
Executive Action: SB 142; SB 225; SB 226; SB
214; SB 74

HEARING ON SB 269

Sponsor: SEN. DARYL TOEWS, SD 48, LUSTRE

Motion/Vote: SEN. TESTER moved that AMENDMENTS TO SB 142 BE ADOPTED. Motion carried 9-0.

Motion/Vote: SEN. TESTER moved SB 142 DO PASS AS AMENDED. Motion carried 9-0.

EXECUTIVE ACTION ON SB 225

Motion/Vote: SEN. CHRISTIAENS moved SB 225 DO PASS. Motion carried 8-0.

EXECUTIVE ACTION ON SB 226

Motion/Vote: SEN. MAHLUM moved SB 226 DO PASS. Motion carried 8-0.

EXECUTIVE ACTION ON SB 214

Motion/Vote: SEN. TESTER moved SB 214 DO PASS. Motion carried 8-1 with Glaser voting no.

EXECUTIVE ACTION ON SB 74

Discussion:

SEN. MILLER explained the amendments for SB 74. EXHIBIT(9)

Mary Vandembosch also explained the amendments. (EXHIBIT 9)

SEN. LYNCH said the Montana Power Company has a provision in that they can't shut the power off in the winter months for safety, etc. Is there any consideration in this bill that may cover that.

SEN. MILLER said Montana Power can't lien the property and they will turn the power off come the first of May. Water is different.

SEN. LYNCH asked if they eliminated the ability of the water company from charging a large hookup fee to the property owner.

SEN. HARGROVE said he cannot see the need for this bill. He asked if this amendment made this a local option for municipalities?

SEN. MILLER said this is a better bill with these amendments. It requires that the water company send out a delinquent notice and collect a deposit. In the past, the tenant signs up for the water and then the tenant quits paying and the landlord doesn't know about it for several months and then they are stuck with a big bill. This bill makes them turn the water off and notify in a more timely matter.

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (H) Taxation -

04:07 PM

-
- SB 184** **SPONSOR:** Grosfield, Lorents **SHORT TITLE:** Generally revise property tax law
 REFERRED ON: 03/31/1999 **HEARD ON:** 04/08/1999
 EXECUTIVE ACTION: 04/13/1999 Bill Concurred as Amended -- VOTE: 11 - 9
 FINAL DISPOSITION 05/10/1999 Chapter Number Assigned
-
- SB 192** **SPONSOR:** Bohlinger, John **SHORT TITLE:** Clarify taxation of internet access services
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/04/1999
 EXECUTIVE ACTION: 04/08/1999 Bill Concurred as Amended -- VOTE: 16 - 4
 FINAL DISPOSITION 05/04/1999 Chapter Number Assigned
-
- SB 200** **SPONSOR:** Taylor, Mike **SHORT TITLE:** Stimulate economic growth and business retention; revise class 8 property tax
 BY REQUEST OF: Joint Select Committee On Jobs And Income
 REFERRED ON: 01/30/1999 **HEARD ON:** 02/08/1999
 EXECUTIVE ACTION: 02/19/1999 Bill Concurred as Amended -- VOTE: 11 - 9
 FINAL DISPOSITION 04/12/1999 Chapter Number Assigned
-
- SB 205** **SPONSOR:** McNutt, Walter **SHORT TITLE:** Increase aviation fuel tax by 1cent; provide for airport paving project
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/04/1999
 EXECUTIVE ACTION: 03/30/1999 Bill Concurred as Amended -- VOTE: 12 - 8
 FINAL DISPOSITION 05/10/1999 Chapter Number Assigned
-
- SB 206** **SPONSOR:** McNutt, Walter **SHORT TITLE:** Submit aviation fuel tax increase to electorate
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/04/1999
 TABLED ON: 03/30/1999
 FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee
-
- SB 226** **SPONSOR:** Hertel, John **SHORT TITLE:** Clarify authority for county roads
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/05/1999
 EXECUTIVE ACTION: 03/05/1999 Bill Concurred -- VOTE: 14 - 6
 FINAL DISPOSITION 04/16/1999 Chapter Number Assigned
-
- SB 249** **SPONSOR:** Keating, Tom **SHORT TITLE:** Sunset RIT tax
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/10/1999
 TABLED ON: 04/07/1999
 FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee
-

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN CHASE HIBBARD**, on March 5, 1999 at
8:00 A.M., in Room 437 Capitol.

ROLL CALL

Members Present:

Rep. Chase Hibbard, Chairman (R)
Rep. Kim Gillan, Vice Chairman (D)
Rep. Bob Story, Vice Chairman (R)
Rep. Gary Beck (D)
Rep. Rick Dale (R)
Rep. Bob Davies (R)
Rep. Ron Erickson (D)
Rep. Daniel Fuchs (R)
Rep. Mary Anne Guggenheim (D)
Rep. Marian Hanson (R)
Rep. Hal Harper (D)
Rep. Dan Harrington (D)
Rep. John L. Holden (R)
Rep. Verdell Jackson (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney (D)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Trudi Schmidt (D)
Rep. Roger Somerville (R)

Members Excused: None.

Members Absent: None.

Staff Present: Donna Grace, Committee Secretary
Jeff Martin, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Sara Lipscomb, Montana Council for Families
{Tape : 2; Side : B; Approx. Time Counter : 15.9}

Shirley Brown, DPHHS - Children and Families
{Tape : 2; Side : B; Approx. Time Counter : 18.7}

Janet Ellis, Montana Audubon Society EXHIBIT(7) EXHIBIT(8)
{Tape : 2; Side : B; Approx. Time Counter : 18.7}

Gene Hickman, Wildlife Biologist EXHIBIT(9)
{Tape : 2; Side : B; Approx. Time Counter : 21.3}

Opponents' Testimony:

None.

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 24.5}

Closing by Sponsor:

Rep. Harrington closed for the sponsor.
{Tape : 3; Side : A; Approx. Time Counter : 1.9}

HEARING ON SB 226

Opening Statement by Sponsor:

Sen. John Hertel, Senate District 47
{Tape : 3; Side : A; Approx. Time Counter : 12.5}

Proponents' Testimony:

Bill Kennedy, Yellowstone County Commissioner and Member of the
MACo Transportation Committee
{Tape : 3; Side : A; Approx. Time Counter : 14.9}

Mary Allen, Powell County
{Tape : 3; Side : A; Approx. Time Counter : 17.1}

Opponents' Testimony:

None.

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 17.4}

Closing by Sponsor:

{Tape : 3; Side : A; Approx. Time Counter : 23.7}

EXECUTIVE ACTION ON SB 226

Motion:

Rep. Ross MOVED to CONCUR in SB 226.

{Tape : 3; Side : A; Approx. Time Counter : 25}

Discussion:

{Tape : 3; Side : A; Approx. Time Counter : 26}

Vote:

The MOTION PASSED, 14 - 6. Schmidt, Rose, Guggenheim, Jackson, Harrington, Dale, Somerville, Erickson, Beck, Fuchs, Harper, Raney, Gillan and Hibbard voting yes; Story, Orr, Holden, Rehbein, Davies and Hanson voting no.

{Tape : 3; Side : B; Approx. Time Counter : 26}

EXECUTIVE ACTION ON HB 397

Motion:

Rep. Erickson MOVED to TABLE HB 397. On a voice vote, the MOTION PASSED, 16 - 4. Raney, Schmidt, Harper and Gillan voting no.

{Tape : 3; Side : B; Approx. Time Counter : 4.3}

EXECUTIVE ACTION ON HB 253

Motion/Vote:

Rep. Harrington MOVED to TABLE HB 253. The MOTION FAILED, 10 - 10. Story, Orr, Holden, Jackson, Dale, Somerville, Rehbein, Davies, Fuchs and Hanson voting no; Schmidt, Rose, Guggenheim, Harrington, Erickson, Beck, Harper, Raney, Gillan and Hibbard voting yes.

{Tape : 3; Side : B; Approx. Time Counter : 11.4}